

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of  
  
David H. Laning  
  
Respondent

Civil Citation No. 77639  
  
54 Burkshire Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on September 8, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1)(5), failure to repair damaged/leaking roof, failure to scrape and paint on residential property.

On July 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The following persons appeared for the Hearing and testified: David Arthur Laning, Respondent and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued May 13, 2010 to repair damaged roof by June 13, 2010, repair/replace rear gutter by June 13, 2010, scrape and paint all peeling and flaking paint by June 13, 2010, remove old wood table, tree and shrub cuttings and clean up rear yard by May 20, 2010. This Citation was issued July 28, 2010. This Hearing was rescheduled from August 18, 2010 to September 8, 2010.

B. Inspector Jeff Radcliffe testified that some violations were corrected after the Correction Notice was issued. The grass was cut and the debris was removed in May 2010. The gutter and downspout were installed in June 2010. Re-inspection in July 2010 found that some of the roof repair work had been done but it was not completed. Re-inspection on September 7, 2010 found there is still exposed wood that needs to be painted, and the roof repair is not finished. Photographs in the file show bare wood on window frames and a blue tarpaulin on the roof.

C. Respondent David Laning testified that he owns and resides in this property, which is a row house. He testified that he has been trying to finish the repairs but is an over the road trucker and is away for weeks at a time. He testified that he lacks funds to hire contractors to finish the work, and accepted a referral to the Office of Community Conservation for possible assistance.

D. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. The exposed wood must be scraped and painted, and the roof must be repaired. Failure to repair the roof jeopardizes adjoining homes. This Citation will be enforced; but because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by October 25, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17<sup>th</sup> day of September 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf